

**U.S. District Court  
District of Wyoming (Cheyenne)  
CIVIL DOCKET FOR CASE #: 2:19-cv-00164-SWS**

Whittecarr v. United States Department of Veterans Affairs et al  
Assigned to: Honorable Scott W Skavdahl  
Referred to: Honorable Kelly H Rankin  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/08/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Howard R Whittecar**

represented by **Albert Kenneth Walsh**  
PENCE & MACMILLEN LLC  
501 East Garfield Street  
PO Box 1285  
Laramie, WY 82070  
307/745-3626  
Fax: 307/745-8669  
Email: [awalsh@penceandmac.com](mailto:awalsh@penceandmac.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**M Gregory Weisz**  
PENCE & MACMILLAN LLC  
1720 Carey Avenue, Suite 600  
PO Box 765  
Cheyenne, WY 82003  
307/638-0386  
Fax: 307/634-0336  
Email: [gweisz@penceandmac.com](mailto:gweisz@penceandmac.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**United States Department of Veterans Affairs**

represented by **C Levi Martin**  
UNITED STATES ATTORNEYS  
OFFICE  
PO Box 668  
Cheyenne, WY 82003-0668  
307/772-2124  
Fax: 307/772-2123  
Email: [Christopher.Martin@usdoj.gov](mailto:Christopher.Martin@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**United States Department of Veterans Affairs Secretary**  
*in his official capacity*  
*also known as*  
Robert Wilkie

represented by **C Levi Martin**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**United States Department of Veterans Affairs General Counsel**  
*in his official capacity*  
*also known as*  
James Byrne

represented by **C Levi Martin**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/08/2019	<u>1</u>	COMPLAINT for Declaratory and Injunctive Relief filed by Howard R Whittecar (4 summonses issued; Filing fee \$400, receipt #CHY031412) (Attachments: # <u>1</u> Civil Cover Sheet) (Court Staff, sbh) (Entered: 08/08/2019)
08/15/2019	<u>2</u>	NOTICE of Attorney Appearance by Albert Kenneth Walsh on behalf of Howard R Whittecar (Walsh, Albert) (Entered: 08/15/2019)
08/15/2019	<u>3</u>	First SUMMONS Returned Executed by Howard R Whittecar. United States Department of Veterans Affairs served on 8/12/2019, answer due on 09/11/2019. Served through the Mark A. Klaassen/U.S. Attorney's Office for District of Wyoming. (Walsh, Albert) Modified answer date on 8/15/2019 (Court Staff, sjlg). (Entered: 08/15/2019)
08/15/2019		Set/Reset Deadlines/Hearings: United States Department of Veterans Affairs answer due 9/11/2019 (Court Staff, sjlg) (Entered: 08/15/2019)
08/15/2019	<u>4</u>	NOTICE of complexity by Plaintiff Howard R Whittecar ; this case is non-complex. (Walsh, Albert) (Entered: 08/15/2019)
09/09/2019	<u>5</u>	NOTICE of Attorney Appearance by C Levi Martin on behalf of United States Department of Veterans Affairs, United States Department of Veterans Affairs General Counsel, United States Department of Veterans Affairs Secretary (Martin, C) (Entered: 09/09/2019)
09/09/2019	<u>6</u>	MOTION REFERRED TO Judge Kelly H Rankin. MOTION for Extension of Time (Non-Dispositive) requesting extension of Time to Respond to the Complaint filed by Defendants United States Department of Veterans Affairs, United States Department of Veterans Affairs General Counsel, United States Department of Veterans Affairs Secretary. (Attachments: # <u>1</u> Proposed Order)(Martin, C) (Entered: 09/09/2019)
09/10/2019	<u>7</u>	ORDER by the Honorable Kelly H Rankin granting <u>6</u> Motion for Extension of Time (Court Staff, sem) (Entered: 09/10/2019)
09/25/2019	<u>8</u>	MOTION to Dismiss for Lack of Jurisdiction, filed by Defendants United States Department of Veterans Affairs, United States Department of Veterans Affairs General Counsel, United States Department of Veterans Affairs Secretary. (Attachments: # <u>1</u> Exhibit)(Martin, C) (Entered: 09/25/2019)
09/25/2019	<u>9</u>	MEMORANDUM in Support of <u>8</u> Motion to Dismiss/Lack of Jurisdiction, filed by Defendants United States Department of Veterans Affairs, United States Department of Veterans Affairs General Counsel, United States Department of Veterans Affairs Secretary. (Martin, C) (Entered: 09/25/2019)
10/09/2019	<u>10</u>	First MOTION for Extension of Time (Dispositive) requesting extension of Deadline to Respond to Motion to Dismiss filed by Plaintiff Howard R Whittecar. (Attachments: # <u>1</u> Proposed Order Granting Unopposed Motion for Extension)(Walsh, Albert) (Entered: 10/09/2019)
10/09/2019	<u>11</u>	(TEXT-ONLY) ORDER by the Honorable Scott W Skavdahl granting <u>10</u> Motion for Extension of Time. Plaintiff shall have until November 8, 2019 to respond to Defendants' Motion to Dismiss.(Court Staff, skh) (Entered: 10/09/2019)
11/08/2019	<u>12</u>	RESPONSE in Opposition re <u>8</u> MOTION to Dismiss for Lack of Jurisdiction, filed by Plaintiff Howard R Whittecar. (Attachments: # <u>1</u> Exhibit 12-1, # <u>2</u> Exhibit 12-2, # <u>3</u> Exhibit 12-3, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 12-9) (Walsh, Albert) (Entered: 11/08/2019)
11/12/2019	<u>13</u>	REPLY to <u>12</u> Response in Opposition to Motion, filed by Defendants United States Department of Veterans Affairs, United States Department of Veterans Affairs General Counsel, United States Department of Veterans Affairs Secretary. (Martin, C) (Entered: 11/12/2019)
11/27/2019	<u>14</u>	NOTICE of Hearing on <u>8</u> MOTION to Dismiss for Lack of Jurisdiction, <b>Oral Ruling on Motion set for 12/18/2019 01:30 PM in Judge Skavdahl Chambers (Room No. 210) before Honorable Scott W Skavdahl.</b> This is a telephonic hearing- dialing instructions contained in notice. (Court Staff, scat) (Entered: 11/27/2019)